

THE COUNTY BULLETIN

AND UNIFORM COMPLIANCE GUIDELINES ISSUED BY STATE BOARD OF ACCOUNTS

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SPECIAL EDITION

2006 LAWS AFFECTING COUNTIES

The following is a digest of some of the laws passed by the 2006 Regular Session of the General Assembly affecting various offices in county government. Some of the laws do not pertain directly to a particular county office, but are included in this digest for ready reference to the covered subject matter.

The digest is not intended as an expression of legal interpretations, nor is the digest intended to be all-inclusive. If you have any questions regarding legal interpretation, please consult your county attorney. We have listed the laws in public law order sequence and the references are to the Indiana Code in the following form (Amends IC 33-17-10-5), which means (Amends Indiana Code, Title 33, Article 17, Chapter 10, Section 5). Please note the effective date of each law.

PUBLIC LAW 1 – HOUSE ENROLLED ACT 1040 – EFFECTIVE MARCH 24, 2006

TECHNICAL CORRECTIONS – Makes corrections to several sections of the Indiana Code.

PUBLIC LAW 2 – HOUSE ENROLLED ACT 1134 - EFFECTIVE JULY 1, 2006

RECODIFICATION OF TITLE 21 AND RELATED PROVISIONS – Recodifies Title 21 and Adds IC 4-11-2-2 and IC 4-11-2-3 regarding the handling of school fund mortgages.

PUBLIC LAW 4 – SENATE ENROLLED ACT 232 – EFFECTIVE JULY 1, 2006

JURY DUTY – Amends IC 33-28-4-8 and IC 33-28-6-17 – Adds IC 33-28-4-8.3, IC 33-28-5-24.3, and IC 33-28-6-25.3 - Eliminates exemptions from jury duty. Allows a person called to jury duty to defer the person's initial appearance one time upon showing a hardship, extreme inconvenience, or necessity. States that employers may not subject employees called to Jury duty to any adverse employment action. Provides that employees called to jury service may not be required to use annual vacation or sick leave. States that an employer is not required to provide vacation and sick leave to employees not otherwise entitled to those benefits because of jury duty.

PUBLIC LAW 15 – SENATE ENROLLED ACT 146 – EFFECTIVE JULY 1, 2006

PROPERTY TRANSFER DISCLOSURE FORM – Amends IC 13-25-3-2, IC 13-25-3-8 and IC 13-25-3-12 , Adds IC 13-25-3-7.5, Repeals IC 13-25-3-7 – Requires the Department of Environmental Management to prescribe the form required on a transfer of property requiring environmental disclosure.

PUBLIC LAW 17 – SENATE ENROLLED ACT 154 – EFFECTIVE MARCH 13, 2006

EXTRA HEAVY DUTY HIGHWAYS – Amends IC 9-20-5-4 – Adds State Road 39 from Interstate 80 to U.S. 20 to the list of roads that are designated as extra heavy duty highways.

PUBLIC LAW 20– SENATE ENROLLED ACT 191 – EFFECTIVE JULY 1, 2006

PHOTOS IN CRIMINAL HISTORY FILES - Amends IC 10-13-3 – Requires police departments that are required to report an arrest to State Central Depository for Criminal History to transmit a photograph of the person arrested. Allows for such photographs to be obtained in a limited criminal history, if a photograph is available.

PUBLIC LAW 22 - SENATE ENROLLED ACT 205 – EFFECTIVE MARCH 13, 2006

ELECTRONIC MAIL ACCOUNT ADDRESSES – Amends IC 5-14-33 – Provides that a public agency: (1) is not required to create or provide lists of electronic mail account addresses unless required by statute; (2) is not required to allow a person to inspect and make memoranda abstracts from a list of electronic mail account addresses; (3) may not disclose certain lists (including electronic mail account addresses) to commercial entities for commercial purposes; and (4) may not disclose certain lists (including electronic mail account addresses) to any individual or entity for political purposes.

PUBLIC LAW 29 – SENATE ENROLLED ACT 57 – EFFECTIVE JULY 1, 2006

SOCIAL SECURITY NUMBER DISCLOSURE – STATE AGENCIES - Amends IC 4-1-10-5 – Allows for the disclosure of a Social Security number by State agencies for the purpose of administration of: (1) a pension fund administered by the board of trustees of the public employees' retirement fund; (2) the Indiana state teachers' retirement fund; (3) a deferred compensation plan or defined contribution plan established under IC 5-10-1.1; or (4) a pension plan established by the state police department under IC 10-12.

PUBLIC LAW 33– SENATE ENROLLED ACT 85 – EFFECTIVE JULY 1, 2006

PROSECUTING ATTORNEY'S PENSIONS – Amends IC 33-39-7-15 and IC 33-39-7-19 - Reduces from ten to eight the years of service credit required for a participant to vest in the prosecuting attorney's retirement fund.

PUBLIC LAW 36 – SENATE ENROLLED ACT 133 – EFFECTIVE JULY 1, 2006

OVERSIZED TRACTOR – SEMITRAILER PERMITS – Amends IC 9-20-6-2 – Requires the Department of Transportation permits for oversized tractor – semi trailers to authorize operation of the vehicle from one half hour before sunrise to one half hour after sunset.

PUBLIC LAW 42 – HOUSE ENROLLED ACT 1107– EFFECTIVE MARCH 14, 2006

EMERGENCY WARNING SYSTEMS – BARRETT LAW – Amends IC 36-9-36-2, IC 36-9-37-11 and IC 36-9-38-2 – Allows emergency warning system to be funded with Barrett Law assessments.

PUBLIC LAW 43 – HOUSE ENROLLED ACT 1234 – Effective July 1, 2006

SPECIAL DEATH BENEFIT FUND – Amends IC 5-10-10-4 and IC 5-10-10-4.5 – Adds special Police deputies and public use airport firefighters to the list of eligible officers who are eligible for a benefit from the fund.

PUBLIC LAW 44 – HOUSE ENROLLED ACT 1249 – EFFECTIVE JULY 1, 2006

COUNTY DRUG FREE COMMUNITY FUND – Amends IC 5-2-6-10 and IC 5-2-6-16, Adds IC 5-2-6-10.5, IC 5-2-11-0.6 – Requires counties to have a comprehensive drug free communities plan approved by the Commission for a Drug Free Indiana before any distribution of the fund can be made.

PUBLIC LAW 47 – HOUSE ENROLLED ACT 1008 - EFFECTIVE VARIOUS DATES

PUBLIC-PRIVATE AGREEMENTS FOR TRANSPORTATION – Amends and adds to Indiana Code Titles 4, 5, 8, 9, 22 and 36 – Allows for the lease of the Indiana Toll Road to a private entity. Provides for a portion of such revenue to be distributed to counties, cities and towns.

LOCAL MAJOR MOVES CONSTRUCTION FUND – Adds IC 8-14-16 – Requires counties traversed by the Indiana Toll Road to set up a local major moves construction fund, for deposit of a special distribution of \$40 million, for distribution by the county auditor among the county and each of the cities and towns in the county that is eligible to receive a distribution from the motor vehicle highway account. Money in the fund may be expended only for the following purposes:

- (1) Construction of highways, roads and bridges.
- (2) In a county that is a member of the northwest Indiana regional development authority, or in a city or town located in such a county, any purpose for which the regional development authority may make expenditures under IC 36-7.5.
- (3) Providing funding for economic development projects (as defined in IC 6-3.5-7-13.1(c) (1) or IC 6-3.5-7-13.1(c) (2) (A) through IC 6-3.5-7-13.1(c) (2) (K).
- (4) Matching federal grants for a purpose described in IC 8-14-16-5.
- (5) Providing funding for interlocal agreements under IC 36-1-7 for a purpose described in IC 8-14-16-5

PUBLIC LAW 47 – HOUSE ENROLLED ACT 1008 - EFFECTIVE VARIOUS DATES (Continued)

(6) Providing the city's contribution to the northwest Indiana regional development authority, in the case of a city described in IC 36-7.5-2-3(e).

Such fund must be appropriated as part of the annual budget for the calendar year in accordance with IC 6-1.1-17.

SPECIAL DISTRIBUTIONS TO ALL COUNTIES – Adds IC 8-14-14-6

Provides for two special distributions of \$75 million dollars to counties, cities and towns on or before October 15, 2006 and October 15, 2007 to be receipted to each unit's Motor Vehicle Highway fund using the same formula as other MVH distributions are calculated.

PUBLIC LAW 49 – SENATE ENROLLED ACT 35 – EFFECTIVE MARCH 15, 2006

BUILDING PERMITS – Adds IC 36-7-9-1109 – States that all of the rules, ordinances, standards and regulations that are in effect when a person is granted a permit must remain in the effect for that particular permit for three years even through new rules, ordinances, standards or regulations are subsequently adopted. States that this law does not apply to development to which the permit relates are not completed within seven years.

PUBLIC LAW 52 – SENATE ENROLLED ACT 71 – EFFECTIVE JANUARY 1, 2006

DRAINAGE ASSESSMENTS – Amends IC 36-9-27-86 – Provides that the state and political subdivisions are not exempt from drainage assessments. Requires county treasurers to send annually to the state land office a list of state property for which the drainage assessments are delinquent.

PUBLIC LAW 60 - SENATE ENROLLED ACT 84 – EFFECTIVE JULY 1, 2006

REENTRY COURTS – Adds IC 33-23-14 – Establishes a reentry court under a court having felony, misdemeanor, or juvenile jurisdiction in a city or county. Grants a reentry court jurisdiction over certain persons released from the department of correction. Authorizes a reentry court to provide reintegration services to persons released from the department. Establishes a procedure for approval of a reentry court. Authorizes a reentry court to establish reasonable fees.

PUBLIC LAW 62 – SENATE ENROLLED ACT 206 – EFFECTIVE JULY 1, 2006

PUBLIC SAFETY DISABILITY PENSIONS – Adds IC 5-10-15, Amends various Chapters and Sections of Indiana Code Title 36, Article 8 – Provides that police, fire, and emergency medical service providers who incur certain cancers or heart or lung diseases while actively employed have incurred such disability while in the line of duty.

PUBLIC LAW 66– SENATE ENROLLED ACT 354 – EFFECTIVE JULY 1, 2006

FORESTRY ISSUES – Adds IC 6-1.1-6-2.5, Amends various sections of IC 6-1.1-6, Amends IC 6-1.1-6.2-15, Adds IC 14-12-1-11.1, Amends IC 14-23-4-1, IC 14-23-4-2, IC 14-23-4-6, Repeals IC 6-1.1-6-10, IC 6-1.1-6-22, IC 6-1.1-6.5, IC 14-36-1-36 - Allows land to be classified as wildlands for purposes of property taxation. Establishes procedures and requirements for revised applications for classified lands. Establishes penalties for withdrawal from the classified land program. Provides that environmental impact statements do not apply to forestry management practices of the division of forestry. Establishes the forest restoration fund. Provides that a county legislative body may allow more than \$1,000 to be distributed to volunteer fire departments from timber sales. Repeals: (1) provisions concerning assessment of classified lands; (2) the assessment of certain wildlife habitats; and (3) the prohibition of certain reclamation sites from enrolling in the classified land program. Transfers land classified as wildlife habitats to land classified as wildlands.

PUBLIC LAW 67– SENATE ENROLLED ACT 355 – EFFECTIVE JULY 1, 2006

PROPERTY TAXES – APPEALS – LATE PAYMENT PENALTIES – Amends IC 6-1.1-1-8, IC 6-1.1-18.5-12, IC 6-1.1-19-2, IC 6-1.1-21-2, IC 6-1.1-22-3, IC 6-1.1-22-5, IC 6-1.1-22-9, IC 6-1.1-22-9.5, IC 6-1.1-22.5-6, IC 6-1.1-37-9, IC 6-1.1-37-10, IC 14-33-10-3, IC 36-9-36-37, IC 36-9-36-55 and IC 36-9-37-19. Adds IC 6-1.1-37-10.7 - Allows a city or town to appeal for an excessive levy because of a shortfall until March 1st of the ensuing budget year. Changes the method of calculating penalties on delinquent property taxes. Allows for penalties to be waived where there is a death of a taxpayer or immediate family member in the week preceding the installment due date.

PUBLIC LAW 80 – HOUSE ENROLLED ACT 1156 – EFFECTIVE MARCH 17 AND JULY 1, 2006

VARIOUS PROVISIONS CONCERNING COURTS - Amends IC 6-1.1-18.5-13 and IC 33-37-5-27, Adds IC 31-12-1.5, IC 31-12-4, Amends and Adds to various chapters of IC 33-28, Amends various sections of IC 33-33-49 - Limits the amount of an excessive property tax levy for new court operating expenses to the estimate by the taxing unit operating the court of the court's expenses for its first year of operation. Requires jury commissioners to use only lists approved by the Supreme Court to determine the names of prospective jurors to be included in a jury pool. Prohibits an employer from: (1) subjecting an employee to an adverse employment action because of the employee's jury service; and (2) requiring an employee to use vacation or other leave for jury duty. Increases the number of judges on the Marion superior court from: (1) 32 to 35 judges beginning January 1, 2007; and (2) 35 to 36 judges beginning January 1, 2009. Increases the total number of magistrates that a majority of the Marion superior court may appoint from four to eight beginning January 1, 2008. Increases the court administration fee from \$2 to \$3. Permits a court to establish a domestic relations court and a domestic relations counseling bureau, and authorizes a court to charge a fee for providing domestic relations counseling services if the county fiscal body has approved a schedule of fees for domestic relation counseling services.

PUBLIC LAW 95 – SENATE ENROLLED ACT 157 – EFFECTIVE MARCH 20 AND JULY 1, 2006

NATURAL RESOURCES ADVISORY COUNCILS – Amends various sections of IC 14-9-6, Amends IC 14-10-1-1, IC 14-21-1-5 and IC 14-25-7-10, Repeals IC 14-33-5-0.5 and IC 14-33-5.5 – Establishes a single advisory council to serve the bureau of water and resource regulation and the bureau of lands and cultural resources. Removes per diem for advisory council members. Requires the advisory council to meet at least once every two months (rather than quarterly). Repeals the requirements of a conservancy district board of directors in Lake County.

PUBLIC LAW 97– SENATE ENROLLED ACT 192 – EFFECTIVE JULY 1, 2006

BAIL REQUIREMENTS– Amends IC 35-33-8-3.2 – Allows a court that admits a defendant to bail to require the defendant to post a combination of property and surety bonds as a condition of bail. Provides that if a court requires a defendant to deposit cash or cash and other security in an amount equal to the defendant's bail, the court may require the defendant and each person who makes the deposit on behalf of the defendant to execute an agreement that allows the court to retain all or a part of the cash to pay: (1) publicly paid costs of representation; and (2) fines, costs, fees, and restitution that the court may order the defendant to pay if the defendant is convicted.

PUBLIC LAW 104 – SENATE ENROLLED ACT 283 – EFFECTIVE JULY 1, 2006

EMERGENCY TELEPHONE NOTIFICATION SYSTEM – Amends IC 36-8-16-14 and IC 36-8-16-18, Adds IC 36-8-21 – Authorizes a county or municipality to establish an emergency telephone notification system to warn service users of emergencies.

PUBLIC LAW 111 – SENATE ENROLLED ACT 362 - EFFECTIVE January 1, 2007

COLLECTION OF DELINQUENT TAXES – Amends IC 6-8.1-8-3 – Provides that a sheriff may keep a tax warrant and continue collections after a period of 120 days only after the department determines that: (1) the sheriff is collecting the warrant on a payment schedule that will satisfy the judgment within one year; and (2) the sheriff's electronic data base regarding tax warrants is compatible with the department's data base.

PUBLIC LAW 113 – HOUSE ENROLLED ACT 1017 – EFFECTIVE JULY 1, 2006

PROPERTY APPRAISERS – Amends IC 5-1-16-45, IC 10-18-2-16, IC 16-22-6-26, IC 16-22-7-29, and IC 16-22-7-30 – In certain statutes concerning the valuation of property, replaces the requirement that certain appointed appraisers must be freeholders of the particular local unit in which the property is located, with the requirement that one disinterested freeholder and two disinterested licensed appraisers must be appointed, and requires that one of the disinterested licensed appraisers reside not more than 50 miles from the property being appraised.

PUBLIC LAW 114 – HOUSE ENROLLED ACT 1124 – EFFECTIVE MARCH 20, 2006

RAINY DAY FUND LOANS TO QUALIFIED TAXING UNITS – Adds IC 6-1.1-21.9 – Allows the State Board of Finance to make loans to taxing units who experience a property tax short fall due to manufacture of microelectronics filing bankruptcy.

PUBLIC LAW 115 – HOUSE ENROLLED ACT 1368 – EFFECTIVE JULY 1, 2006

PUBLIC EMPLOYEES AND TEACHERS' RETIREMENT FUNDS – Adds IC 5-10.2-5-40 and IC 5-10.2-5-41 – Provides for a 2 percent cost of living adjustment for all members beginning January 1, 2007 and a thirteenth check in 2006.

PUBLIC LAW 116 – HOUSE ENROLLED ACT 1418 – EFFECTIVE JULY 1, 2006

KENNEL LICENSES – Adds IC 15-5-9-12.5 – Requires inspection of a major kennel before issuance of a license.

PUBLIC LAW 119 – SENATE ENROLLED ACT 58 - EFFECTIVE July 1, 2006

TEACHER'S RETIREMENT FUND – Adds IC 5-10.2-4-8.4 - Allows a Teacher's Retirement Fund (TRF) member who serves in an elected position and elects, while holding the elected position, to begin receiving the retirement benefits to which the member is entitled by age and service to choose whether to retire from TRF or the public employees' retirement fund.

PUBLIC LAW 121 – SENATE ENROLLED ACT 300 - EFFECTIVE July 1, 2006

VICTIM'S COMPENSATION FUND – Adds and amends various sections of IC 5-2-6.1 - Provides that compensation to a victim of a violent crime may not be paid to a person who profited from the criminal act or who was intoxicated at the time of the crime and contributed to the commission of an unrelated felony, unless the person was the victim of a sex crime or a crime of domestic or family violence. Permits only one claimant per victim to receive benefits. Provides that certain information relating to the victim of a crime is confidential. Makes the reimbursement rate for medical services provided as the result of bodily injury equal to the reimbursement rate for services under the Indiana comprehensive health insurance association (ICHIA), and clarifies that the ICHIA rate does not apply to the reimbursement of forensic and evidence gathering services provided to the victim of a sex crime. Permits reimbursement for burial expenses up to \$4,000 and for mental health care up to \$2,000. Requires documentation of certain expenses before a benefit may be awarded. Prohibits an attorney who represents a crime victim at a hearing held by the division from charging a contingency fee of more than 10% or being paid directly by the division. Permits an attorney who obtains a civil judgment on which the state has a lien for the provision of victim services to receive attorney's fees of not more than 15% of the amount received by the state.

PUBLIC LAW 124 – SENATE ENROLLED ACT 382 – EFFECTIVE APRIL 1, 2006

AIRPORT DEVELOPMENT ZONES – Adds and amends various sections of IC 8-22-3.5 – Makes several changes to the development zone laws for the airport in Vanderburgh County. Authorizes the establishment of a development zone in Delaware County.

PUBLIC LAW 131 – HOUSE ENROLLED ACT 1117 – EFFECTIVE MARCH 22 AND JULY 1, 2006

SOLID WASTE DISPOSAL – Adds IC 9-13-2-110.5, Amends IC 13-20-4-7, IC 13-20-4-11, IC 13-20-5-2, IC 13-20-5-3, IC 13-20-5-5, IC 13-20-21-6, IC 13-20-21-14, and IC 13-20-22-1, Adds IC 13-20-24 and IC 36-2-9-21 - Changes reporting requirements for a person transporting solid waste in a vehicle to a final disposal facility in Indiana for disposal. Makes it permissive rather than mandatory for the solid waste management board to adopt rules imposing a fee on the disposal or incineration in a final disposal facility in Indiana of solid waste generated outside Indiana. Allows a county without zoning or a municipality in the county to enter into a host agreement. With respect to a landfill or waste site located in a county without zoning for which a construction permit was issued after March 1, 2006, and for which a host agreement has not been entered into: (1) allows the county fiscal body to establish a disposal fee that does not exceed \$2.50 per ton; and (2) allows use of the revenue only for infrastructure related to the landfill.

PUBLIC LAW 136 – HOUSE ENROLLED ACT 1420 – EFFECTIVE JULY 1, 2006

EMPLOYEE TOBACCO USE – INCENTIVES TO REDUCE – Amends IC 22-5-4-1 - Allows an employer to implement financial incentives that are intended to reduce tobacco use and related health benefits provided by the employer.

PUBLIC LAW 137 – HOUSE ENROLLED ACT 1380 – EFFECTIVE JULY 1, 2006

VARIOUS ECONOMIC DEVELOPMENT MATTERS – Amends IC 6-3.5-7-13.1, Adds IC 6-3.5-7-13.5 and IC 6-3.5-7-13.6 – Authorizes counties, cities, and towns that receive county economic development income taxes (CEDIT) to: (1) establish local venture capital funds; and (2) establish regional venture capital funds by pooling CEDIT revenues and grant proceeds. Provides that a regional venture capital fund shall be administered by a governing board. Authorizes the governing board to make grants or loans from the fund to public or private entities for economic development purposes.

PUBLIC LAW 138 – HOUSE ENROLLED ACT 1235 – EFFECTIVE JULY 1, 2006

ISOLATION, QUARANTINE, AND HEALTH MATTERS – Adds IC 16-18-2-194.5, IC 16-18-2-298.5, IC 16-18-2-302.6, IC 16-41-9-1.5, IC 16-41-9-1.6, IC 16-41-9-1.7, and IC 34-30-13.5, Amends IC 16-21-7-4, IC 16-22-8-31, IC 16-41-9-8, IC 16-41-9-13, IC 16-42-5-4 and IC 34-6-2-55– Establishes the procedure for a public health authority to obtain or issue an order to restrict the movement of an individual in the least restrictive manner when there is evidence that the individual has been exposed to a communicable disease, and requires a public health authority to distribute certain information to the public. Establishes certain procedures concerning immunizations. Provides that a person, facility, or other location that meets certain criteria is immune from civil liability resulting from an act or omission in providing health care services during an event that is declared a disaster emergency, even if the services were provided before or after the disaster emergency declaration. Provides an exemption to food sanitation law for specified organizations under certain circumstances until January 1, 2008.

PUBLIC LAW 143 – SENATE ENROLLED ACT 83 – EFFECTIVE JULY 1, 2006

TASER, ELECTRONIC STUN WEAPONS AND OTHER SIMILAR DEVICES – Amends IC 35-41-1-8 - States that certain temporary incapacitating weapons are not to be considered deadly weapons if they are used by law enforcement officers who have been trained in the use of the devices and used while engaged in law enforcement duties.

PUBLIC LAW 144 – SENATE ENROLLED ACT 87 – EFFECTIVE MARCH 24, 2006

LIEUTENANT GOVERNOR DUTIES – Adds IC 4-4-2.4 - Transfers the duties over energy policy, the center for coal technology research, and the recycling and energy development board to the Lieutenant Governor.

PUBLIC LAW 145 – SENATE ENROLLED ACT 132 – EFFECTIVE MARCH 24, 2006

TECHNICAL CORRECTIONS – Makes corrections to several sections of the Indiana Code as directed by Senate Enrolled Act 529-2005. Correction of 2005 child services legislation.

PUBLIC LAW 147 – SENATE ENROLLED ACT 148 – EFFECTIVE MARCH 24, 2006

USE OF CAGIT REVENUE – Amends IC 6-3.5-1.1-2.8 - Provides that county adjusted gross income tax (CAGIT) revenue in Elkhart County and Marshall County may also be used to operate and maintain jail facilities, juvenile court, detention, and probation facilities, other criminal justice facilities, and related buildings and parking facilities (in addition to being used for the financing, construction, acquisition, renovation, and equipment of those facilities under existing law).

PUBLIC LAW 148 – SENATE ENROLLED ACT 153 – EFFECTIVE MARCH 24 AND JULY 1, 2006

STATE CENTRAL COLLECTION UNIT AND CHILD SUPPORT – Adds and Amends various sections of IC 12-17-2, Amends various sections of IC 31-14-11 and IC 31-16-15, Amends IC 31-16-9-1 - Establishes the state central collection unit within the child support bureau to collect and process noncash child support payments. Requires clerks of court to collect and process cash child support payments. Requires a party affected by a child support order to notify the unit or a clerk of an address change. Requires a person using income withholding to provide certain information to the unit. Provides that the unit is not liable for certain errors in the disbursement and collection of child support payments. Provides the procedure the unit is to follow if the unit improperly disburses a child support payment. Makes certain changes concerning income withholding orders in enforcing dissolution of marriage, legal separation, and child support decrees. Provides that a collection agency that contracts with the child support bureau or a prosecuting attorney may, in addition to the collection of arrearage on a child support order, assess and collect from an obligor all fees, charges, costs, and other expenses as provided under the contract. Provides that an individual ordered to pay child support through income

PUBLIC LAW 148 – SENATE ENROLLED ACT 153 – EFFECTIVE MARCH 24 AND JULY 1, 2006
(Continued)

withholding shall also pay the annual child support fee through income withholding. Changes the support and maintenance fee to \$30. Provides that the child support bureau (bureau) may contract with a private entity to undertake Title IV-D duties. Provides that incentive payments shall be distributed in the following manner: (1) 22.2% of the incentive payments are distributed to the county general fund; (2) 33.4% of the incentive payments are distributed to the prosecuting attorney; (3) 22.2% of the incentive payments are distributed to the court clerk; and (4) the bureau shall retain 22.2% of the incentive payments.

PUBLIC LAW 154– SENATE ENROLLED ACT 260 – EFFECTIVE VARIOUS DATES

PROPERTY TAX ISSUES – Adds and Amends to various chapters of Indiana Code Title 6, Article 1.1, Adds IC 16-22-14 - If an assessing official discovers an over reported personal property assessment, requires the official to correct the assessment. Permits a personal property taxpayer to make an exemption claim up to 30 days after the return due date. Allows a county to impose a separate property tax levy that is subject to the county's levy limits to compensate a county hospital for providing emergency medical services. Provides that information regarding certain property tax benefits must be included in the instructions for completing the sales disclosure form. Exempts delinquent tax collections from deposit in the excess levy fund. Permits a county auditor to establish a special nonreverting fund to receive additional property taxes attributable to a contract for the discovery of property that has been undervalued or omitted from assessment. Changes the annual deadline for filing for various property tax benefits for individuals from May 10 to June 10. Permits property tax rates to be calculated using a reduced assessed value for property to reflect the effects of pending property tax appeals. Allows the county auditor to amend assessed valuation information provided to the DLGF and political subdivisions that is used to set property tax rates. Specifies when returns, other documents, and property tax payments are considered to be received for purposes of property tax statutes containing filing or payment deadlines. Provides that money in a property tax reassessment fund may not be transferred to any other fund.

PUBLIC LAW 159 – SENATE ENROLLED ACT 345 – EFFECTIVE JANUARY 1, 2007

GOVERNMENT FINANCE – Amends 6-1.1-21.10 - Requires the reversal of part of the payment delays in the schedule under which the property tax replacement credit and homestead credit amounts are distributed to taxing units.

PUBLIC LAW 160 – SENATE ENROLLED ACT 359 – EFFECTIVE JULY 1, 2006

ONLINE REVERSE AUCTIONS – Repeals IC 5-22-7.5-8 – Repeals the statute that prohibits the use of a reverse auction to purchase certain construction equipment.

PUBLIC LAW 162 – HOUSE ENROLLED ACT 1001 – EFFECTIVE VARIOUS DATES

HOMESTEAD DEDUCTION – Amends IC 6-1.14-12-37 – Raises the homestead credit to \$45,000 for taxes payable in 2007.

HOMESTEAD CREDIT – Amends IC 6-1.1-20.9-2 Increases the homestead credit for one year in 2006 to 28%.

TAX STATEMENTS - Adds IC 6-1.1-22-8.1 - Beginning in 2008, requires counties to use a uniform format for property tax statements that includes additional taxpayer information.

TAX AND BUDGET NOTICE – Amends IC 6-1.1-15-1 and IC 6-1.1-17-3 - Beginning in August 2009, requires a county to mail a notice concerning budget proceedings and proposed tax rates, tax levies, and budgets to each taxpayer and permits a taxpayer to appeal the taxpayer's assessment within 45 days after getting the notice.

PROPERTY TAX CIRCUIT BREAKER – Amends and adds to sections of IC 6-1.1-20.6 – Provides for a credit to taxpayers if their net property tax exceeds 2% of the property's gross assessed value for 2006 pay 2007. Makes such program mandatory for residential property in 2008 and for all property in 2010.

PUBLIC LAW 162 – HOUSE ENROLLED ACT 1001 – EFFECTIVE VARIOUS DATES (Continued)

CEDIT – SUPPLEMENTAL TAX – Amends IC 6-3.5-7 – Extends the date a county may adopt up to .25% in additional CEDIT taxes to offset the shift from inventory to residential taxes.

PETITION/ REMONSTRANCE PROCESS – Amends IC 6-1.1-20-10 and Adds IC 6-1.1-20-11- Changes the laws dealing with the use of employees to promote a position on a building project and provides standards for accepting signatures on a remonstrance petition

COUNTY OPTION DOG TAX - Adds IC 6-9-39 - Replaces the requirement that a dog tax be imposed in each county with a county option dog tax.

CAGIT/COIT – JASPER AND SCOTT COUNTIES - Adds IC 6-3.5-1.1-2.3 and IC 6-3.5-6-29 - Permits an additional county adjusted gross income tax rate in Jasper County and an additional county option income tax rate in Scott County to construct and maintain criminal justice facilities

PUBLIC LAW 163 – HOUSE ENROLLED ACT 1010 – EFFECTIVE MARCH 24, 2006

EMINENT DOMAIN – Adds and amends to various chapters of Indiana Code Title 32, Article 24 - Changes the procedures for acquiring property through eminent domain.

PUBLIC LAW 164 – HOUSE ENROLLED ACT 1011 – EFFECTIVE MARCH 24 AND JULY 1, 2006

ELECTION LAW – Adds and Amends to various chapters of Indiana Code Title 3, Articles 5, 7, 8 and 9 Authorizes the secretary of state to establish a pilot program of vote centers in up to three counties for the 2007 municipal elections and provides that a voter who resides in a vote center pilot county may cast the voter's ballot at a vote center without regard to the precinct in which the voter resides. Permits the co-directors of the election division to set a deadline for a county to submit a proposed precinct establishment order if the county wishes the order to take effect before the next deadline for proposed precinct changes and requires the county executive to file a copy of an approved precinct establishment order with the county auditor. Various other changes to election laws.

PUBLIC LAW 167 – HOUSE ENROLLED ACT 1025 – EFFECTIVE July 1, 2006

INNKEEPER'S TAXES – Amends IC 6-9-7-7 and IC 6-9-16-6 – Provides that the maximum rate of the Howard County innkeeper's tax is 5% until December 31, 2013, and decreases to 4% on January 1, 2014. Extends the period of time from December 2006 to December 2012 that a share of Tippecanoe County innkeeper's tax revenue must be distributed as a grant to a nonprofit corporation that leases land in Prophetstown state park for the nonprofit corporation's use in noncapital projects in Prophetstown state park.

PUBLIC LAW 169 – HOUSE ENROLLED ACT 1102 – EFFECTIVE VARIOUS DATES

ANNUAL PERSONNEL REPORTS (100R FORMS) – Amends IC 5-11-13-1 – Specifies that the annual reports filed with the state board of accounts by governmental units show the business address of each officer or employee who is listed on the form.

PUBLIC NOTICE ADVERTISING - QUALIFIED NEWSPAPER - Amends IC 5-3-1-0.4 - Makes changes to the laws defining a newspaper. Allows a newspaper with fifty percent of the paid circulation for the largest newspaper located in the county that has circulated for twelve months or a newspaper with an average daily paid circulation of one thousand five hundred to qualify as a newspaper which can receive public notice advertising.

PUBLIC NOTICE ADVERTISING – ERROR BY COUNTY AUDITOR – Amends IC 5-3-1-2.3 – States that if a county auditor publishes a notice concerning a tax rate, tax levy or budget of a city or town and the notice contains an error or omission and the county auditor is responsible for the error or omission, the Department of Local Government Finance (DLGF) may correct such error at any time. The county auditor must publish, at the county's expense, a notice containing the correct tax rate, tax levy, or budget as proposed by the city or town.

PUBLIC LAW 169 – HOUSE ENROLLED ACT 1102 – EFFECTIVE VARIOUS DATES (Continued)

CLAIMS – NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION (NIRPC) – Amends IC 5-11-10-1 and IC 5-11-10-1.6 – Adds NIRPC to the list of governmental units whose claims do not have to contain the claimant's signature.

PERSONAL PROPERTY TAX ABATEMENTS – Amends IC 6-1.1-12.4-3 – Provides that certain specified facilities such as golf courses, massage parlors and racetracks are not eligible for the "automatic abatement" for personal property.

STATE CALLED MEETINGS – TRAVEL EXPENSES – Amends IC 5-11-14-1- States that a claim for reimbursement of travel expenses incurred while attending a state called meeting may not be denied by the body responsible for the approval of claims if the claim complies with IC 5-11-10-1.6.

REVISIONS IN TAX LEVY OR RATE – NOTICE FROM DLGF – Amends IC 6-1.1-17-16 – Provides that a political subdivision has two weeks to provide written response to the DLGF on any revisions, reduction or increase to the political subdivision's budget.

SPECIAL ASSESSMENT LIENS – Amends IC 6-1.1-22-8 and IC 6-1.1-22-11, Adds IC 6-1.1-22-13.5 - Provides that liens for special assessments have the same priority status as liens for property taxes. Increases the interest rate on delinquent tax payments made by mortgagees from 6% to 10%.

TAX SALE AND REDEMPTION – Amends various sections of IC 6-1.1-24 and IC 6-1.1-25 – Makes various changes to the tax sale and redemption processes.

SPEED LIMITS – Amends IC 9-21-5-6- Requires a local authority to perform an engineering and traffic investigation before a determination may be made to change a speed limit under IC 9-21-6-6 or before the speed limit within an urban district may be decreased to less than twenty-five (25) miles per hour. However, an engineering and traffic study is not required if the local authority determines that the proper maximum speed is twenty-five miles per hour.

ECONOMIC DEVELOPMENT PROJECTS – Adds IC 36-1-7-11.5 – Provides that an interlocal agreement may be entered into for certain economic development projects.

RAINY DAY FUND – Amends IC 36-1-8-5 - Allows transfers to be made to the political subdivision's rainy day fund at any time during the year.

DISPOSAL OF REAL PROPERTY – Adds IC 36-1-8-16 – If a county executive disposes of real property, the property taxes collected for the real property in the first year the real property is subject to taxation after the year the real property is sold or otherwise conveyed shall be disbursed to the county executive, and deposited into county general fund, the redevelopment fund, the unsafe building fund, or the housing trust fund.

PUBLIC WORKS – BID THRESHOLDS – Amends IC 36-1-12-4 and IC 36-1-12-4.7 – Raises the bid threshold from \$25,000 to \$50,000 for certain counties. The bid threshold for a county containing a consolidated or second class city remains at \$75,000. Requires counties that do not contain a consolidated or second class city to solicit at least three quotes when the cost of the project is between \$25,000 and \$50,000.

COUNTY RECORDER FEES – Amends IC 36-2-7-10 – Provides that the cost of furnishing a page not larger than 8 inches by 14 inches is \$1, regardless of whether or not the page is produced by a photographic process.

TOWNSHIP BORROWING – Amends IC 12-20-24 – An appeal by a township to borrow money to fund township assistance is made directly to the department of local government finance. Repeals provision concerning appeals to county commissioners and county councils for borrowing for township assistance.

PUBLIC LAW 169 – HOUSE ENROLLED ACT 1102 – EFFECTIVE VARIOUS DATES (Continued)

REDEVELOPMENT COMMISSION PROPERTY – Adds IC 36-7-14-22.5, 22-6 and 22.7 and IC 36-7-15-15.5, 15.6 and 15.7 – Makes several changes to the laws dealing with disposal of redevelopment commission property.

REGIONAL TRANSPORTATION AUTHORITIES – Amends IC 36-9-3 – Charges the law dealing with board membership.

LEASE OF SOLID WASTE DISPOSAL FACILITIES – Amends IC 36-9-30-26 - Requires ten day's notice of the date upon which the lease will be executed.

PUBLIC LAW 171 – HOUSE ENROLLED ACT 1114 – EFFECTIVE JULY 1, 2006

COURTS – BANK/CREDIT CARDS – Amends IC 33-37-6-2 - Requires the clerk of the court to collect certain charges, if there are any vendor transaction charges or discount fees that are billed to the clerk or charged to the clerk's account, from persons using bank cards or credit cards. The clerk may contract with a payment processing company, which may collect a transaction fee from the person using the bank or credit cards. The clerk shall collect and deposit in the appropriate fund an amount not less than the amount the clerk would collect and deposit if the clerk received payment by a means other than a bank card or credit card.

COUNTY RECORDERS – METHOD OF PAYMENT – Adds IC 36-2-11-27 – Allows a county recorder to contract with a payment processing company and provides the methods of payment that a county recorder may authorize. Requires a county recorder to collect a fee from a person using a bank card or credit card if there is a vendor transaction charge or discount fee.

RECORDING DOCUMENTS – STATEMENT REQUIRED - Amends IC 36-2-11-15 – Requires certain instruments that are recorded to contain the following statement: "I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law (name)."

PUBLIC LAW 173 – HOUSE ENROLLED ACT 1155 – EFFECTIVE JULY 1, 2006

PRETRIAL SERVICES FEE – Adds IC 35-33-8-3.3 - Authorizes a court to require a repeat offender who is placed on bail and supervised by a probation officer or pretrial services agency to pay a pretrial services fee to defray the cost of supervision by the probation department or pretrial services agency if the person has the financial ability to pay the fee. The fee is divided between the county supplemental adult probation services fund and the county supplemental public defender services fund.

PUBLIC LAW 174 – HOUSE ENROLLED ACT 1158 – EFFECTIVE JULY 1, 2006

ACCIDENT REPORTS – Amends IC 9-29-11-1 – Provides that a law enforcement agency may charge a fee for providing accident reports that is fixed by ordinance in an amount not less than five dollars.

SMALL CLAIMS GARNISHEE SERVICE FEE – Amends IC 33-37-4-6 - States that for each garnishee or garnishee defendant in excess of three, the clerk shall collect a small claims garnishee service fee of \$10 for each garnishee or garnishee defendant in excess of three.

For any party adding a garnishee or a garnishee defendant, the clerk shall collect a small claim garnishee service fee of \$10. However, the clerk may not collect for the first three garnishees named in the action.

A small claims service fee of \$10 shall be collected for each additional defendant added that is not a garnishee defendant.

SERVICE OF PROCESS FEE - Amends IC 33-37-5-15 – Provides that the sheriff shall collect a service of process fee of thirteen dollars (\$13) from a party requesting service of a writ, an order, a process, a notice, a tax warrant, or any other paper completed by the sheriff. Increases the service of process fee from \$40 to \$60, to be collected by the sheriff from the person who filed the civil action outside Indiana. The fees collected shall be deposited in the sheriff's pension trust fund or general fund of the county if no trust fund has been established.

PUBLIC LAW 174 – HOUSE ENROLLED ACT 1158 – EFFECTIVE JULY 1, 2006 (Continued)

CIVIL FILINGS – GARNISHEE SERVICE FEE – Amends IC 33-37-5-28 – States that the clerk shall collect the following:

- (1) From the party filing the civil action, a service fee of ten dollars (\$10) for each additional defendant that is not a garnishee defendant named other than the first name defendant.
- (2) From any party adding a defendant that is not a garnishee defendant, a service fee of ten dollars (\$10) for each defendant that is not a garnishee defendant added in the civil action.
- (3) From a party that has named more than three (3) garnishees or garnishee defendants, a garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant in excess of three (3).
- (4) From a party adding a garnishee or garnishee defendant, a garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant added to the action. However, a clerk may not collect a garnishee service fee for the first three (3) garnishees or garnishee defendants named in the action.

DNA SAMPLE PROCESSING FEE – Amends IC 33-37-5-26.2 - Raises the fee from one to two dollars effective July 1, 2006.

PUBLIC LAW 184 – HOUSE ENROLLED ACT 1327 – EFFECTIVE MARCH 24 AND JULY 1, 2006

TAXATION – Amends IC 6-3.5-1.1-2.5 and Adds IC 6-3.5-6-29 - Extends to June 30, 2011, the time during which Jackson County may impose an additional county adjusted gross income tax rate of 0.1% for the operation of a jail and juvenile detention center. Permits an additional county option income tax rate in Scott County to construct and maintain criminal justice facilities.

PUBLIC LAW 186 – HOUSE ENROLLED ACT 1362 – EFFECTIVE MARCH 24, 2006

LOCAL GOVERNMENT REORGANIZATION – Adds IC 36-1.5 - Establishes a uniform procedure for the reorganization of political subdivisions. Provides that the reorganization process may be initiated by the legislative bodies of the reorganizing political subdivisions or by a petition signed by 5% of the voters in the reorganizing political subdivisions. Requires the reorganizing political subdivisions to appoint individuals to a reorganization committee. Provides that the proposed reorganization shall be submitted to the voters for approval. Provides that: (1) indebtedness that was incurred by a political subdivision before the reorganization may not be imposed on taxpayers that were not responsible for payment of the indebtedness before the reorganization and must be paid by the taxpayers that were responsible for payment of the indebtedness before the reorganization; and (2) pension obligations existing as of the effective date of the reorganization may not be imposed on taxpayers that were not responsible for payment of the pension obligations before the reorganization and must be paid by the taxpayers that were responsible for payment of the pension obligations before the reorganization.

PUBLIC LAW 190 – HOUSE ENROLLED ACT 1176 – EFFECTIVE JULY 1, 2006

HANDGUN LICENSES – Amends IC 35-47-2-3 - Requires the law enforcement agency which accepts an application for handgun license shall collect the following application fees:

- (1) From a person applying for a four (4) year handgun license, a ten dollar (\$10) application fee, five dollar (\$5) of which shall be refunded if the license is not issued.
- (2) From a person applying for a lifetime handgun license who does not currently possesses a valid Indiana handgun license, a fifty dollar (\$50) application fee, thirty dollars (\$30) of which shall be refunded if the license is not issued.
- (3) From a person applying for a lifetime handgun license who currently possesses a valid Indiana handgun license, a forty dollar (\$40) application fee, thirty dollars (\$30) of which shall be refunded if the license is not issued.

Such fees are to be deposited in the law enforcement continuing education fund.